

The SCO Group, Inc., et. al., Plaintiff(s)

vs.

International Business Machines Corporation, et. al., Defendant(s)



Service of Process by

APS International, Ltd.

1-800-328-7171

APS International Plaza

7800 Glenroy Rd.

Minneapolis, MN 55439-3122

APS File #: 075899-0001

AFFIDAVIT OF SERVICE -- Individual

Service of Process on:

--Robert Marsh, Everyones Internet (EV1)

Court Case No. 2:03cv0294

SNELL & WILMER

Ms. Karen Button

15 W South Temple, Suite 1200 W

Salt Lake City, UT 84101

State of: TEXAS) ss.County of: HARRIS)Name of Server: ALANA WILLIS, undersigned, being duly sworn, deposes and says that at the time of service, s/he was over the age of twenty-one, was not a party to this action;Date/Time of Service: that on the 27th day of FEBRUARY, 20 06, at 10:44 o'clock A MPlace of Service: at 835 Greens Pkwy # 150, in Houston, TX 77060

Documents Served: the undersigned served the documents described as:

Subpoena; Witness Fee Check

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:

Robert Marsh, Everyones Internet (EV1)Person Served, and
Method of Service:☒ By personally delivering them into the hands of the person to be served.☐ By delivering them into the hands of _____, a person of suitable age, who verified, or who upon questioning stated, that he/she resides with Robert Marsh, Everyones Internet (EV1)

at the place of service, and whose relationship to the person is: _____

Description of Person Receiving Documents: The person receiving documents is described as follows:

Sex M; Skin Color WHITE; Hair Color BLACK; Facial Hair -Approx. Age 40; Approx. Height 5'6"; Approx. Weight 160☒ To the best of my knowledge and belief, said person was not engaged in the US Military at the time of service.

Signature of Server: Undersigned declares under penalty of perjury that the foregoing is true and correct.

Subscribed and sworn to before me this

1st day of March, 20 06

Signature of Server

Alana Willis

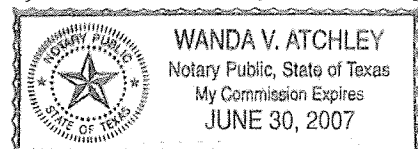
Texas Supreme Court

Sch 01329

Notary Public

(Commission Expires)

APS International, Ltd.



Issued by the
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

The SCO Group, Inc.

V.

SUBPOENA IN A CIVIL CASECASE NUMBER¹:: Civil No. 2:03cv0294

District of Utah

International Business Machines Corporation

To: Robert Marsh
Everyones Internet (EV1)
390 Benmar Dr., Suite 200
Houston, TX 77060

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. The testimony will be recorded by the following method(s):

☒ stenographic; ☐ sound; ☒ sound and visual

PLACE OF DEPOSITION

Legalink Houston
1235 North Loop West
Suite 510
Houston, TX 77008

DATE AND TIME

March 10, 2006, 9:00AM

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date and time specified below (list documents or objects):

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



International Business
Attorney for Machines Corporation

February 23, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Todd M. Shaughnessy, Snell & Wilmer LLP, 15 West South Temple, Suite 1200, Salt Lake City, Utah 84101
(801) 257-1900

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE		PLACE
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER _____

ADDRESS OF SERVER _____

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(ii) of this rule, such a person

may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subject a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of March, 2006, a true and correct copy of the
Foregoing – Affidavit of Service - was sent by U.S. Mail, postage prepaid, to the following:

Brent O. Hatch
Mark F. James
HATCH, JAMES & DODGE, P.C.
10 West Broadway, Suite 400
Salt Lake City, Utah 84101

Stephen N. Zack
Mark J. Heise
BOIES, SCHILLER & FLEXNER LLP
100 Southeast Second Street, Suite 2800
Miami, Florida 33131

Robert Silver
Edward Normand
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, New York 10504

/s/ Peter H. Donaldson